

## REMARKS

### Claims 1, 2, 6, 9 and 10 Are Allowable

The Office has rejected claims 1, 2, 6, 9 and 10, at page 2 of the Office Action, under 35 U.S.C. §102(b), as being anticipated by U.S. Publication No. 2003/0144952 A1 (“Brown”). Applicants respectfully traverse the rejections.

Brown fails to disclose or suggest all the elements of claim 1. For example, Brown does not disclose providing a notification message to a card (account) holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as in claim 1. The Office asserts that paragraph [0037] of Brown discloses this feature. *See* Office Action, page 3. The Applicants respectfully disagree. Brown discloses that a personal identification number (PIN) is entered at the point of the transaction along with the account number and transaction amount. *See* Brown, paragraph [0028]. If no PIN is entered at the point of the transaction, then the account holder is contacted to approve the transaction. *See* Brown, paragraph [0031]. If a matching PIN is entered at the point of the transaction, then the account holder is contacted to approve the transaction. *See* Brown, paragraph [0037]. If an incorrect PIN is entered at the point of the transaction, then the transaction is denied without contacting the account holder. *See* Brown, paragraph [0037]. Accordingly, with Brown, the only scenario where the account holder is not contacted is when an incorrect PIN is entered so that the transaction is automatically denied. The PIN of Brown is analogous to a password as “[t]he normal PIN merely identifies the person as the account holder.” *See* Brown, paragraph [0034], lines 8-9. The threshold-based rule of claim 1 does not identify the account holder but is used to determine when an attempted transaction is approved without notifying the account holder. The threshold-based rules allow the account holder to minimize the number of notification messages received to only those that are determined by the account holder to be of interest. With Brown, the account user is notified every time an attempted transaction occurs and a correct PIN is entered. Thus, in contrast to claim 1, Brown fails to disclose or suggest providing a notification message to an account holder of an attempted transaction using a payment card when the attempted transaction satisfies a

threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule. Hence, Brown does not disclose or suggest all of the elements of claim 1. Accordingly, claim 1 is allowable over Brown.

Claims 2, 6, 9 and 10 depend from claim 1, which Applicants have shown to be allowable. Hence, Brown fails to disclose at least one element of each of claims 2, 6, 9 and 10. Accordingly, claims 2, 6, 9 and 10 are also allowable, at least by virtue of their dependency from claim 1.

Further, the dependent claims include additional features that are not disclosed or suggested by Brown. For example, claim 10 recites a method wherein the notification message indicates at least part of a number of the payment card. The Office Action states that such a notification message is found in paragraph [0037] of Brown. *See* Office Action, page 3. Brown discloses sending the account holder information that may contain the name and address of a vendor, the dollar amount of a transaction, the number of transactions authorized that day, and the dollar amount of transactions authorized that day. *See* Brown, paragraph [0037]. However, Brown fails to disclose a method wherein the notification message includes at least part of a number of the payment card, as recited in claim 10. For this additional reason, claim 10 is allowable.

#### **Claims 11, 12, 16, 19 and 20 Are Allowable**

The Office has rejected claims 11, 12, 16, 19 and 20 on page 2 of the Office Action, under 35 U.S.C. §102(b), as being anticipated by Brown. Applicants respectfully traverse the rejections.

Brown fails to disclose or suggest the specific combination of claim 11. For example, Brown does not disclose a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message, as in claim 11. Brown discloses that a

personal identification number (PIN) is entered at the point of the transaction along with the account number and transaction amount. *See* Brown, paragraph [0028]. If no PIN is entered at the point of the transaction, then the account holder is contacted to approve the transaction. *See* Brown, paragraph [0031]. If a matching PIN is entered at the point of the transaction, then the account holder is contacted to approve the transaction. *See* Brown, paragraph [0037]. If an incorrect PIN is entered at the point of the transaction, then the transaction is denied without contacting the account holder. *See* Brown, paragraph [0037]. Accordingly, with Brown, the only scenario where the account holder is not contacted is when an incorrect PIN is entered so that the transaction is automatically denied. The PIN of Brown is analogous to a password as “[t]he normal PIN merely identifies the person as the account holder.” *See* Brown, paragraph [0034], lines 8-9. The threshold-based rule of claim 11 does not identify the account holder but is used to determine when an attempted transaction is approved without notifying the account holder. The threshold-based rules allow the account holder to minimize the number of notification messages received to only those that are determined by the account holder to be of interest. With Brown, the account user is notified every time an attempted transaction occurs and a correct PIN is entered. Thus, in contrast to claim 11, Brown fails to disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message. Hence, Brown does not disclose or suggest all of the elements of claim 11. Accordingly, claim 11 is allowable over Brown.

Claims 12, 16, 19 and 20 depend from claim 11, which Applicants have shown to be allowable. Hence, Brown fails to disclose at least one element of each of claims 12, 16, 19 and 20. Accordingly, claims 12, 16, 19 and 20 are also allowable, at least by virtue of their dependency from claim 11.

Further, the dependent claims include additional features that are not disclosed or suggested by Brown. For example, claim 20 recites a system wherein the notification message indicates at least part of a number of the payment card. The Office Action states that such a notification message is found in paragraph [0037] of Brown. *See* Office Action, page 3. Brown

discloses sending the account holder information that may contain the name and address of the vendor, the dollar amount of the transaction, the number of transactions authorized that day, and the dollar amount of transactions authorized that day. *See Brown*, paragraph [0037]. However, *Brown* fails to disclose a system wherein the notification message includes at least part of a number of the payment card, as recited in claim 20. For this additional reason, claim 20 is allowable.

### **Claims 3 and 13 Are Allowable**

The Office has rejected claims 3 and 13 on page 5 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over *Brown* in view of United States Patent No. 5,999,596 (“*Walker*”). Applicants respectfully traverse the rejections.

Claims 3 and 13 depend from claims 1 and 11, respectively, which Applicants have shown to be allowable. *Walker* does not disclose or suggest the elements recited in claims 1 and 11 that are not disclosed or suggested by *Brown*. Instead, *Walker* discloses communicating with the account holder who has a parental relationship with the user so that the nature of the emergency can be discerned. *See Walker*, column 10, lines 45-55. Accordingly, *Walker* does not disclose or suggest a method of providing a notification message to a payment card holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 1. Further, *Walker* does not disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message, as recited in claim 11. Thus, claims 3 and 13 are allowable, at least by virtue of their dependency from claim 1 or 11.

Moreover, claims 3 and 13 include additional features that are not disclosed or suggested by *Walker*. For example, claims 3 and 13 recite providing a message to return the payment card to an individual attempting the transaction. The Office Action states that this feature is disclosed

in column 10, lines 45-54 of Walker. *See* Office Action, page 5. However, Walker discloses communicating with the account holder who has a parental relationship with the user so that the nature of the emergency can be discerned. *See* Walker, column 10, lines 45-55. Thus, Walker fails to disclose providing a message to return the payment card to an individual attempting the transaction, as recited in claims 3 and 13. For this additional reason, claims 3 and 13 are allowable.

#### **Claims 4 and 14 Are Allowable**

The Office has rejected claims 4 and 14 on page 5 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Brown in view of United States Patent No. 4,114,027 (“Slater”). Applicants respectfully traverse the rejections.

Claims 4 and 14 depend from claims 1 and 11, respectively, which Applicants have shown to be allowable. Slater does not disclose or suggest the elements recited in claims 1 and 11 that are not disclosed or suggested by Brown. Instead, Slater discloses an automated banking system for a cash-dispensing machine. *See* Slater, Abstract. Accordingly, Slater does not disclose or suggest a method of providing a notification message to a payment card holder of an attempted transaction when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 1. Further, Slater does not disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message, as recited in claim 11. Thus, claims 4 and 14 are allowable, at least by virtue of their dependency from claim 1 or 11.

#### **Claims 5, 15, and 22 Are Allowable**

The Office has rejected claims 5, 15, and 22, at page 6 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Brown in view of United States Patent No. 5,819,226 (“Gopinathan”). Applicants respectfully traverse the rejections.

Claims 5 and 15 depend from claims 1 and 11, respectively, which Applicants have shown to be allowable. Gopinathan does not disclose or suggest the elements recited in claims 1 and 11 that are not disclosed or suggested by Brown. Instead, Gopinathan discloses an automated system for detecting fraudulent transactions using a neural network. *See* Gopinathan, Abstract. The method uses predictive modeling to perform pattern recognition and classification in order to isolate transactions that have a high probability of fraud. *See* Gopinathan, column 1, lines 15-19. The fraud detection scheme in Gopinathan is automated and is specifically designed for instances in which the user is not aware of fraudulent use. *See* Gopinathan, column 1, lines 35-36. Accordingly, Gopinathan does not disclose or suggest a method of providing a notification message to a card holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 1. Further, Gopinathan does not disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message, as recited in claim 11. Thus, claims 5 and 15 are allowable, at least by virtue of their dependency from claim 1 or 11.

The cited portions of Brown and Gopinathan fail to disclose or suggest the specific combination of claim 22. For example, Brown and Gopinathan do not disclose a method of providing a notification message to a payment card holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 22. Brown discloses that a personal identification number (PIN) is entered at the point of the transaction along with the account number and transaction amount. *See* Brown, paragraph [0028]. If no PIN is entered at the point of the transaction, then the account holder is contacted to approve the transaction. *See* Brown, paragraph [0031]. If a matching PIN is entered at the point of the transaction, then the account holder is contacted to approve the transaction. *See* Brown, paragraph [0037]. If an incorrect PIN is entered at the point of the transaction, then the transaction is denied without

contacting the account holder. See Brown, paragraph [0037]. Accordingly, with Brown, the only scenario where the account holder is not contacted is when an incorrect PIN is entered so that the transaction is automatically denied. The PIN of Brown is analogous to a password as “[t]he normal PIN merely identifies the person as the account holder.” See Brown, paragraph [0034], lines 8-9. The threshold-based rule of claim 22 does not identify the account holder but is used to determine when an attempted transaction is approved without notifying the account holder. The threshold-based rules allow the account holder to minimize the number of notification messages received to only those that are determined by the account holder to be of interest. With Brown, the account user is notified every time an attempted transaction occurs and a correct PIN is entered. Thus, in contrast to claim 22, Brown fails to disclose or suggest providing a notification message to an account holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule or else the attempted transaction is approved without providing the notification message.

Gopinathan discloses an automated system for detecting fraudulent transactions using a neural network. See Gopinathan, Abstract. The method uses predictive modeling to perform pattern recognition and classification in order to isolate transactions that have a high probability of fraud. See Gopinathan, column 1, lines 15-19. The fraud detection scheme in Gopinathan is automated and is specifically designed for instances in which the user is not aware of fraudulent use. See Gopinathan, column 1, lines 35-36. Gopinathan does not disclose a method of providing a notification message to a payment card holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 22. Therefore, Brown and Gopinathan, separately or in combination, do not disclose or suggest each and every element of claim 22. Hence, claim 22 is allowable.

### **Claims 7 and 17 Are Allowable**

The Office has rejected claims 7 and 17, at page 7 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Brown in view of United States Patent No. 6,052,675 (“Checchio”). Applicants respectfully traverse the rejections.

Claims 7 and 17 depend from claims 1 and 11, which Applicants have shown to be allowable. Checchio does not disclose or suggest the elements recited in claims 1 and 11 that are not disclosed or suggested by Brown. Instead, Checchio discloses a method in which a vendor compares the signature on the back of the credit card to the customer's signature. *See* Checchio, column 1, lines 22-26. If the signatures do not match, the transaction is refused and the police and the credit card company are notified. *See* Checchio, column 1, lines 25-30. Accordingly, Checchio does not disclose or suggest a method of providing a notification message to a payment card holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 1. Further, Checchio does not disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message, as in claim 11. Thus, claims 7 and 17 are allowable, at least by virtue of their dependency from claim 1 or 11.

Claims 7 and 17 include additional features that are not disclosed or suggested by Brown and Checchio. For example, the Office Action admits that Brown does not disclose or suggest automatically reporting a fraudulent transaction to a credit reporting agency, as recited in claims 7 and 17. *See* Office Action, page 7. Checchio also does not disclose or suggest this feature. Checchio discloses a method in which a vendor compares the signature on the back of the credit card to the customer's signature. *See* Checchio, column 1, lines 22-26. If the signatures do not match, the transaction is refused and the police and the credit card company are notified. *See* Checchio, column 1, lines 25-30. Notification of the credit card company is not automatically reporting a fraudulent transaction to a credit reporting agency. For this additional reason, claims 7 and 17 are allowable.



**Claims 8 and 18 Are Allowable**

The Office has rejected claims 8 and 18 on page 7 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Brown in view of United States Publication No. 2003/0182214 A1 (“Taylor”). Applicants respectfully traverse the rejections.

Claims 8 and 18 depend from claims 1 and 11, respectively, which Applicants have shown to be allowable. Taylor does not disclose or suggest the elements recited in claims 1 and 11 that are not disclosed or suggested by Brown. Instead, Taylor discloses sending a response code to a bank teller. *See* Taylor, paragraph [0044]. Accordingly, Taylor does not disclose or suggest a method of providing a notification message to a payment card holder of an attempted transaction using a payment card when the attempted transaction satisfies a threshold-based rule and the attempted transaction is approved without providing the notification message when the attempted transaction does not satisfy the threshold-based rule, as recited in claim 1. Further, Taylor does not disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction and to not provide the notification message, as recited in claim 11. Thus, claims 8 and 18 are allowable, at least by virtue of their dependency from claim 1 or 11.

Claims 8 and 18 include additional features that are not disclosed or suggested by Brown and Taylor. For example, the Office Action admits that Brown does not disclose or suggest sending a reason code to a merchant, as recited in claims 8 and 18. *See* Office Action, page 7. Taylor also does not disclose or suggest sending a reason code to a merchant. Taylor discloses sending a response code to a bank teller. *See* Taylor, paragraph [0044]. A bank teller is not a merchant. For this additional reason, claims 8 and 18 are allowable.

**Claim 21 is Allowable**

The Office has rejected claim 21, at page 8 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Brown in view of United States Publication No. 2003/0014367 (“Tubinis”). Applicants respectfully traverse the rejection.

Claim 21 depends from claim 11, which Applicants have shown to be allowable. Tubinis does not disclose or suggest the elements recited in claim 11 that are not disclosed or suggested by Brown. Instead, Tubinis discloses notifying a subscriber to a multimedia service that a threshold amount provided on the network has been consumed while the service is being provided. The subscriber is given an opportunity to add value to an account balance for the multimedia service while the service is being provided, thereby extending the duration the service is provided. *See* Tubinis, paragraph [0003]. Accordingly, Tubinis does not disclose or suggest a system configured to provide a notification message to a payment card holder of an attempted transaction when a threshold-based rule is satisfied and when the attempted transaction does not satisfy the threshold-based rule to approve the attempted transaction, as recited in claim 11. Thus, claim 21 is allowable, at least by virtue of its dependency from claim 11.

#### **Claims 23 –32 Are Allowable**

New claims 23-32 have been added. Support for new claims 23-32 can be found in at least paragraphs [0032], [0033], and [0034] of the application. Claims 23-32 depend from claim 1 or 11, which Applicants have shown to be allowable. Accordingly, claims 23-32 are allowable, at least by virtue of their dependence from claim 1 or 11. Further, claims 23-32 include additional features that are not disclosed or suggested by the cited references. Hence claims 23-32 are allowable for these additional reasons.

### **CONCLUSION**

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

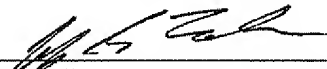
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

  
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